



MONTGOMERY McCRAKEN

ATTORNEYS AT LAW

Vincent M. DeOrchis

Admitted in New York

437 Madison Avenue
29th Floor
New York, NY 10022
Tel: 212-867-9500

Direct Dial: 212-551-7730
Fax: 212-599-1759
Email: vdeorchis@mmwr.com

February 18, 2015

VIA ECF

Honorable Valerie E. Caproni
United States District Judge
United States District Court
Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square, Room 240
New York, New York 10007

Re: *UPTPool Ltd. v. Dynamic Oil Trading (Singapore) Pte. Ltd., et al.*
USDC/SDNY, Docket No. 14 Civ. 9262 (VEC)

Birch Shipping Ltd. v. O.W. Bunker China Ltd. (HK), et al.
USDC/SDNY, Docket No. 14 Civ. 9282 (VEC)

Clearlake Shipping Pte Ltd. v. O. W. Bunker (Switzerland) SA, et al.
USDC/SDNY, Docket No. 14 Civ. 9286 (VEC)

Clearlake Shipping Pte Ltd. v. O. W. Bunker (Switzerland) SA, et al.
USDC/SDNY, Docket No. 14 Civ. 9287 (VEC)

Bonny Gas Transport Limited v. O. W. Bunker Germany GmbH, et al.
USDC/SDNY, Docket No. 14 Civ. 9542 (VEC)

MT Cape Bird Tankschiffahrts GmbH v. O.W. USA Inc., et al.
USDC/SDNY, Docket No. 14 Civ. 9646 (VEC)

SHV Gas Supply & Risk Management SAS, et al, v. O.W. Bunker USA, Inc., et al.
USDC/SDNY, Docket No. 14 Civ. 9720 (VEC)

Hapag-LloydAktiengesellschaft v. U.S. Oil TradingL.L.C., et al.
USDC/SDNY, Docket No. 14 Civ. 9949 (VEC)

MONTGOMERY McCRAKEN WALKER & RHOADS LLP

PENNSYLVANIA • NEW YORK • NEW JERSEY • DELAWARE

Montgomery McCracken Walker & Rhoads LLP

February 18, 2015

Page 2

OSG Ship Management, Inc., et al, v, O.W. Bunker USA, Inc., et al.
USDC/SDNY, Docket No. 14 Civ. 9973 (VEC)

Hapag-Lloyd Aktiengesellschaft v. O'Rourke Marine Services L.P., et al.
USDC/SDNY, Docket No. 14 Civ. 10027 (VEC)

Conti 149 Conti Guinea v. O. W. Bunker Panama S.A. et al.
USDC/SDNY, Docket No. 14 Civ. 10089 (VEC)

NYK Bulk & Project Carriers Ltd. v. O.W. Bunker USA, Inc., et al.
USDC/SDNY, Docket No. 14 Civ. 10090 (VEC)

Nippon Kaisha Line Ltd. v. O. W. Bunker USA, Inc., et al.
USDC/ SDNY, Docket No. 14 Civ. 10091 (VEC)

Hapag-Lloyd Aktiengesellschaft v. O.W. Bunker North America, Inc., et al.
USDC/SDNY, Docket No. 15 Civ. 0190 (VEC)

APL Co. Pte Ltd, et al. v. O. W. Bunker Far East (Singapore) Pte. Ltd., et al.
USDC/SDNY, Docket No. 15 Civ. 0620 (VEC)
Our file no.: 66487.00001

Dear Judge Caproni:

We are counsel for the Debtors (O.W. Bunker USA, Inc., and O.W. Bunker North America, Inc.) in the captioned matters, and submit this letter in opposition to the application by NuStar Energy Services (“NuStar”) and U.S. Oil Trading LLC (“USOT”) to file a joint “Reply Memorandum of Law”.

This Court’s Order of December 19, 2014, directed the “Plaintiffs” to file one brief, as all of the Plaintiffs were either Owners or Charterers of vessels and had a common interest. The Order did not direct Debtors to be joined in the brief with Plaintiffs. Debtors are named as “Defendants” in these interpleader actions. Debtors’ interests for the most part are not aligned with Plaintiff, although both Plaintiff and Debtors have acknowledged the need for efficiency, economy and a uniform outcome of these claims.

NuStar and USOT argue that Debtors should have sought leave of the court before filing its brief. We see no such requirement under the Court’s Order, nor the local rules. The response by the parties was to a specific question raised by the Court. There is no motion before the Court which promotes a Reply Memorandum of Law.

Montgomery McCracken Walker & Rhoads LLP

February 18, 2015

Page 3

Since the date of the Court's Order, Debtors have filed their appearance and Answer in those interpleaders for which service had been accomplished on Debtors by Plaintiffs. Debtors Memorandum of February 4, 2015, was filed only in those proceeding in which it had appeared. Certainly, Debtors should be permitted to respond to the Court's inquiry as a significant party in those proceedings.

Lastly, we believe it is tantamount to "sharp" practice for NuStar and USOT to have provided this court with its "Reply" Memorandum of Law as an attached exhibit to its Motion, before the Court renders a ruling on their application.

Respectfully submitted,

/s/ Vincent M. DeOrchis

Vincent M. DeOrchis

VMD:kc

cc: Via ECF and E-mail to
All Counsel of Record

3843194v1